
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

Final Rule

LSA Document #18-281(F)

DIGEST

Amends [329 IAC 9-1-1](#) and [329 IAC 9-8-1](#) concerning compliance dates for underground storage tanks. Repeals [329 IAC 9-8-2](#). Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): July 18, 2018, Indiana Register (DIN: [20180718-IR-329180281FDA](#)).

Notice of First Hearing: July 18, 2018, Indiana Register (DIN: [20180718-IR-329180281PHA](#)).

Date of First Hearing: November 14, 2018.

[329 IAC 9-1-1](#); [329 IAC 9-8-1](#); [329 IAC 9-8-2](#)

SECTION 1. [329 IAC 9-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 9-1-1](#) Applicability and incorporation by reference

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 4-22-9-5](#); [IC 13-11-2](#); [IC 13-12-3-2](#); [IC 13-23](#)

Sec. 1. (a) This article applies to all owners and operators of a UST as described in 40 CFR 280.10*.

(b) Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) means the July 1, 2016, edition, as incorporated by reference in this article.

(c) Owners and operators of a UST as described in 40 CFR 280.10* shall comply with the technical standards and corrective action requirements for USTs at 40 CFR 280*, with the following exceptions:

- (1) Definitions of "owner" and "operator" in 40 CFR 280.12.
- (2) 40 CFR 280.22.
- (3) 40 CFR 280.53.
- (4) 40 CFR 280.60.
- (5) 40 CFR 280.61.
- (6) 40 CFR 280.63 through 40 CFR 280.67.
- (7) 40 CFR 280, Subpart G.
- (8) 40 CFR 280, Subpart H.
- (9) 40 CFR 280, Subpart I.

(d) When used in 40 CFR 280* as incorporated by this rule, substitute the following:

- (1) A reference to "state" means Indiana.
- (2) A reference to "implementing agency" means the Indiana department of environmental management.
- (3) A reference to 40 CFR 280.22 means [329 IAC 9-2-2](#).
- (4) A reference to 40 CFR 280.53 means [329 IAC 9-4-4](#).
- (5) A reference to 40 CFR 280, Subpart F means [329 IAC 9-5](#).
- (6) A reference to 40 CFR 280, Subpart G means [329 IAC 9-6](#).
- (7) A reference to 40 CFR 280, Subpart H means [329 IAC 9-8](#).
- (8) A reference to an October 13, 2015, compliance date means June 28, 2018.
- (9) A reference to an April 11, 2016, compliance date means December 26, 2018.
- ~~(7) (10)~~ (10) A reference to an October 13, 2018, compliance date means the effective date of [329 IAC 9](#). June 28, 2021, except in 40 CFR 280, Subpart J.
- (11) A reference to an October 13, 2021, compliance date means June 28, 2024.
- (12) A reference to an October 13, 2022, compliance date means June 28, 2025.

(e) In addition to the definitions in this section, the definitions in [IC 13-11-2](#) and 40 CFR 280.12* apply throughout this rule.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204.

(Solid Waste Management Division; [329 IAC 9-1-1](#); filed Dec 1, 1992, 5:00 p.m.: 16 IR 1062; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3683; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 145; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#); filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Mar 18, 2019, 2:41 p.m.: [20190417-IR-329180281FRA](#))

SECTION 2. [329 IAC 9-8-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 9-8-1](#) Applicability

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23-4-1](#); [IC 13-23-4-2](#)

Sec. 1. (a) This rule applies to owners and operators of all petroleum UST systems except as otherwise provided in this section.

(b) Owners and operators of petroleum UST systems ~~are subject to~~ **shall comply with the requirements of** this rule. ~~if they are in operation on or after the date for compliance established in section 2 of this rule.~~

(c) State and federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States are exempt from the requirements of this rule.

(d) The requirements of this rule do not apply to an owner and operator of any UST system described in 40 CFR 280.10(b), (c)(1), (c)(3), or (c)(4).

(e) If the owner and operator of a petroleum underground storage tank are separate persons, only one (1) person is required to demonstrate financial responsibility; however, both parties are liable in the event of noncompliance. ~~Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in section 2 of this rule.~~

(f) Owners and operators of previously deferred UST systems shall comply with the requirements of this rule according to the schedule in 40 CFR 280.251(a)*.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204.

(Solid Waste Management Division; [329 IAC 9-8-1](#); filed Jul 19, 1999, 12:00 p.m.: 22 IR 3728; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 31, 2018, 9:57 a.m.: [20180620-IR-329180246ACA](#); filed Mar 18, 2019, 2:41 p.m.: [20190417-IR-329180281FRA](#))

SECTION 3. [329 IAC 9-8-2](#) IS REPEALED.

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Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20180718-IR-329180281FDA](#)
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